HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO. 6111 OF 2005

Dated 13-09-2005

Between:

1. The Special Secretary to Government of A.P., Medical & Health, A.P. Secretariat, Hyderabad-22 and another.

…….Petitioner.

And:

Dr. P. Aswini Kumar, Assistant Professor of Orthopedics, (Rtd.,) Osmania General Hospital, Hyderabad.

…….Respondents.

ORDER : (Per the Honourable Smt. Justice T. Meena Kumari)

This writ petition has been filed by writ petitioners against the order passed in O.A. No. 1686 of 2003, dated 28-04-2004 by the learned A.,P. Administrative Tribunal Hyderabad.

The official respondents are the writ petitioners herein and the applicant is the respondent herein. The parties will be referred to as arrayed before the Tribunal for the sake of convenience.

Originally, the applicant filed an application before the A.P. Administrative Tribunal under Section 19 of the Administrative Tribunals Act, 1985, seeking to direct the respondents to pay full pledged salary benefits along with 12% interest due to compulsory wait caused by the respondents from 19-12-2000 to 27-12-2002.

The tribunal having observed that the ultimate decision of the Government in the disciplinary case has nothing to do with the treatment of the period between 19-12-2000 to 27-12-2002 in as much as, this period is covered by the orders of the tribunal, earlier, in O.A.No.4562 of 2002 and any decision, in this regard, has to proceed in the light of the orders of the Tribunal issued in the said O.A., disposed of the O.A. Aggrieved by the same, the respondents filed the present writ petition.

Heard both sides. We have perused the material available on record.

The case of the applicant, in a nutshell, is that the 2nd respondent, by an order dated 5-4-2003, has disposed of the representation filed by the applicant, in pursuance of the interim directions of the Tribunal in O.A. No. 1686 of 2003 dated 29-03-2003. The representation is with regard to specific reference to the compulsory wait between 19-12-2000 to 27-12-2002, during which period on the ground that he was not given the posting orders even though he reported for duty. Subsequently, he was admitted to the duty in pursuance of the orders of the Tribunal issued in O.A. No. 4562 of 2002.

We have gone through the order impugned. A reading of the order impugned goes to show that on the representation made by the applicant, the 2nd respondent has disposed of the same in pursuance to the interim directions of this Tribunal dated 20-03-2003. But, the applicant was not given posting orders during the period of the compulsory wait in question even though he reported for duty, but he was admitted to duty in pursuance of the orders of this tribunal in O.A. No. 4562 of 2002. In this background of the matter, the Tribunal has rightly disposed of the O.A. holding that the ultimate decision of the Government in the disciplinary case has nothing to do with the treatment of the period of compulsory wait in question in as much as this period is covered by the orders of this Tribunal earlier in O.A. No. 4562 of 2002 and any decision, in this regard, has to be proceed in the light of the orders issued in the said O.A.

There is no dispute that the applicant has reported to duty at the relevant point of time. But, the respondents have not permitted him to join duty. Therefore, the tribunal is justified in observing that the respondents are at fault in not giving posting orders to the applicant. This is a second round of litigation. The tribunal has made clear that the ultimate decision of the Government in the disciplinary case has nothing to do with the treatment of the period in question on the ground that the said

period is covered by the order of the tribunal in O.A.4562 of 2002, which has become final.

In the present facts and circumstances of the case and in view of the fact that the order in O.A.4562 of 2002 passed by the tribunal, has become final, We feel that the observations made by the tribunal would not call for any interference by this Court and We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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Justice T. MEENA KUMARI

Date: 13th September, 2005

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Justice P. LAKSHMANA REDDY

Dvs/Gurc

HONOURABLE SMT.JUSTICE T. MEENA KUMARI

&

HONOURABLE JUSTICE P. LAKSHMANA REDDY

WRIT PETITION NO. 6111 OF 2005

(Order delivered by the Honourable

Smt. Justice T.Meena Kumari)

Dated 13-09-2005